

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)



Applicant's or agent's file reference P82651PC00	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB 03/04952	International filing date (day/month/year) 14.11.2003	Priority date (day/month/year) 15.11.2002
International Patent Classification (IPC) or both national classification and IPC B60R25/00		
Applicant MARKS, Russell Lee et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 13.05.2004	Date of completion of this report 24.02.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Areal Calama, A-A Telephone No. +31 70 340-2877 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/GB 03/04952**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17))*):

Description, Pages

1-18 as originally filed

Claims, Numbers

1-26 as originally filed

27-40 received on 12.11.2004 with letter of 09.11.2004

Drawings, Sheets

1/13-13/13 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
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International application No. PCT/GB 03/04952

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 16,17,36-40

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 16,17,36-40 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-15, 18-33,35
	No: Claims	34
Inventive step (IS)	Yes: Claims	1-15, 18-33,35
	No: Claims	34
Industrial applicability (IA)	Yes: Claims	1-15, 18-35
	No: Claims	

2. Citations and explanations

**INTERNATIONAL PRELIMINARY
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see separate sheet

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Claims 16 and 17 will not be commented on as they refer to features of devices which are not part of the immobilisation device and irrelevant as such to the definition of the immobilisation device

Claims 36 to 40 will not be commented on as they do not meet the requirements of Rule 6.2 (a) PCT.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: US-A-1 464 186 (OBERREICH LOUIE H) 7 August 1923 (1923-08-07)

D2: WO 90/01999 A (BESS SWEDEN AB) 8 March 1990 (1990-03-08)

NOVELTY

Document D1 shows a vehicle immobilisation device for securing to a windscreen (see Figures 4 and 5), comprising: screening means (A,B) which, when the device is in an in-use disposition on the vehicle windscreen, serves to impair a driver's view through the windscreen, wherein the screening means is changeable from a first configuration to a second configuration, the first configuration being more compact than the second configuration (see Figure 4).

Document D1 does not show any suction grip means. Therefore the subject-matter of claim 1 is new.

Claims 2 to 15 and 18 to 28 are dependent on claim 1 and therefore their subject-matter is also new.

The subject-matter of device claim 35 is also new in view of D1 because D1 does not show suction grip means.

Document D1 also shows a method to secure a vehicle immobilisation device with all the steps of claim 29 except the step of activating a suction grip means.

Similarly, D1 discloses a method to remove a vehicle immobilisation device with all the steps of claim 33 except the step of deactivating a suction grip means.

Method claims 29 and 33 are therefore new.

Claims 30 to 32 are also new as they depend on claim 29.

The subject-matter of claim 34 appears to lack novelty as no concrete steps are mentioned that could define an attachment method.

INVENTIVE STEP

The problem to be solved by the present invention may be regarded as providing D1 with more universal attachment means.

The solution to this problem proposed in claim of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

Even though the attachment of a screening means to a windshield by means of a suction grip is known from D2, the collapsibility feature of the device of D1 would be unnecessary if the hook means used to attach the screening device of D1 were replaced by suction grip means. Said feature is necessary in D1 in order to install the device. If the installation method is replaced the feature becomes unnecessary. Therefore it is unlikely that an application of the teachings of D2 would lead to a device with all the features of claims 1 or 35. The installation and removal methods of claims 29 and 33 would make no sense without a device according to claims 1 or 35.

Independent claims 1, 35, 29 and 33 are therefore inventive. Claims 2 to 15, 18 to 28 and 30 to 32 are also inventive as they are dependent on claims with inventive subject-matter.